

**CITY COUNCIL OF THE CITY OF SAN DIEGO
SPECIAL CLOSED SESSION DOCKET
FOR
MONDAY, JULY 26, 2004
AT 2:00 P.M.
COMMITTEE ROOM – 12TH FLOOR**

NOTE: In accordance with the San Diego City Council Temporary Rule for Noticing and Conduct of Closed Session Meetings a portion of the regular open meeting agenda of the City Council has been reserved for City Attorney comment, public comment, and City Council discussion of the content of this Closed Session Docket. Please see the Open Session Agenda to determine when such matters may be heard.

Due to the anticipated length of the regular City Council meeting for July 27, 2004, the Mayor is calling a Special Closed Session meeting for Monday, July 26, 2004, in the Committee Room on the 12th Floor of the City Administration Building, 202 C Street, San Diego, California. **The Special Closed session will commence immediately following the conclusion of the regular open session meeting that day.**

Pursuant to the new temporary Council Rule on closed sessions, the public will have the opportunity to comment on these matters during the regular open session of the City Council on July 26, 2004. The open session agenda for that day will reflect the appropriate open session item for public comment. **The closed session called pursuant to this memorandum may continue into Tuesday, July 27, 2004.**

The agenda for the Special Closed Session is the following:

Conference with Legal Counsel - existing litigation, pursuant to California Government Code section 54956.9(a):

**CS-1 John A. Whalen v. City of San Diego
San Diego Superior Court No. GIC 820996**

DCA assigned: Cord

This matter arises from a sewer backup that damaged the plaintiff's home in La Jolla. In closed session, the City Attorney will brief the City Council on the matter and discuss possible settlement.

Conference with Legal Counsel - anticipated litigation - significant exposure to litigation, pursuant to California Government Code section 54956.9(b):

CS-2 La Jolla Methodist Church v. City of San Diego

DCA assigned: Gleeson

This matter concerns a dispute between the City and the La Jolla Methodist Church regarding property rights in the formerly planned extension of Faye Avenue. In closed session the City Attorney will advise the City Council on the nature of the dispute and ask for direction concerning the matter.

CS-3 Miramar and North City Landfill Gas Cogeneration Projects

DCA assigned: Ortlieb

This matter concerns a contract dispute arising from several interrelated agreements for the “privatized” Miramar Landfill Gas Collection System [Gas Agreement], the Miramar Cogeneration Facility Agreement [Miramar Agreement] and North City Cogeneration Facility Agreement [North City Agreement]. In closed session, the City Attorney will report to the City Council on the conduct of negotiations to finalize a settlement agreement.

Conference with Legal Counsel - anticipated litigation - initiation of litigation, pursuant to California Government Code section 54956.9(c):

CS-4 City of San Diego v. San Diego Kind Corporation

DCA assigned: Wierman

This matter is again before the City Council in Closed Session to seek further direction on resolution of a long-standing dispute pertaining to one term of a Planned Commercial Development Permit granted to San Diego Kind Corporation in 1978.